

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ERIC GARCIA,

Petitioner,

v.

STATE OF NEVADA, *et al.*,

Respondents.

Case No. 3:25-cv-00156-MMD-CSD

ORDER

Petitioner Eric Garcia attempted to initiate a § 2254 habeas petition for writ of habeas corpus. (ECF No. 1-1.) His application to proceed *in forma pauperis* (ECF No. 1) is granted. The Court dismisses the petition with leave to file an amended petition.

Garcia's purported petition is not on the Court's required form, nor does it substantially follow the form. See LSR 3-1. Under § 2254(a), a District Court may consider a petition where petitioner alleges that their conviction or sentence violate their federal constitutional rights. Presumably Garcia seeks federal habeas review of a state conviction, though he does not specify. His nine-page petition is in narrative form with no identifiable individual claims. He sets forth allegations that may implicate his federal habeas rights, but the Court cannot tell what claims he wishes to bring. Therefore, the Court dismisses Garcia's petition with leave to file an amended habeas corpus petition on the Court's § 2254 habeas form. He must clearly set forth each federal habeas ground and briefly set forth the factual basis for each ground.

It is therefore ordered that the Clerk of Court detach and electronically file the petition (ECF No. 1-1).

It is further ordered that the petition is dismissed with leave to file an amended habeas corpus petition on the Court's form in conformance with this order. Petitioner has

1 30 days from the date this order is entered—no later than May 11, 2025—in which to file  
2 the amended petition.

3 The Clerk is directed to send to petitioner one copy of the Court's form § 2254  
4 habeas petition, one copy of the information and instructions for filing a § 2254 habeas  
5 petition, and one copy of the papers petitioner has filed in this action.

6 Petitioner is expressly advised that failure to file an amended petition in  
7 conformance with this order will result in the dismissal of this action without prejudice and  
8 without further prior notice.

9 DATED THIS 11<sup>th</sup> Day of April 2025.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE